

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

**FILED**

APR 26 2006

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

Dwight Devane Byrd

17992-057

*(Enter above the full name of the plaintiff  
or plaintiffs in this action).*

*(Inmate Reg.# of each Plaintiff)*

**VERSUS**

**CIVIL ACTION NO.** 5:06-0302  
*(Number to be assigned by Court)*

Perry Skaggs

*(Enter above the full name of the defendant  
or defendants in this action).*

**COMPLAINT**

**I. Previous Lawsuits**

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes \_\_\_\_\_ No xx

- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit N/A

Plaintiffs: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendants: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): N/A

\_\_\_\_\_  
\_\_\_\_\_

3. Docket Number: N/A

4. Name of judge to whom case was assigned:

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit: N/A

7. Approximate date of disposition: N/A

**B. Additional Plaintiffs and Address:**

(In Item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant Perry Skaggs  
is employed as a correctional officer  
at F.C.I. Beckley (P.O.B. 1280, Beaver, WV 25813)

D. Additional defendants: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary).

~~Perry Skaggs went to my cell to shake-down. He found an homemade engraver. He notified his superiors, who then confirmed that the item was in deed an engraver, not a weapon. Skaggs was called while I was in front of the Lt. and told of their finding. \*In front of several inmates, P. Skaggs did willfully remove my personal property from my cell without my permission. To the tune of \$688.25. I asked Skaggs to come into my cell and tell me where my property was, he came in and looked in my locker that I now had wide open, and smiled at me and stated "You know we don't take stuff like that". I asked him if anyone else had been in my locker and he replied "No". I again asked him where my property was and he said that the things that he "did" take were in the back and that he would go see about it. He then locked my cell and went home. I had the next officer to call Lt. Hickey as soon as he opened the cells. I also asked him to check the back for a visual on my property in which he did not see.~~

See the original paper-work...

**IV. Statement of Claim (continued):**

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**V. RELIEF**

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Have Perry Skaggs pay for my personal property, all cost for this process and punitive damages for the items that can't be replaced.

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**V. Relief (continued)**

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**VII. Counsel**

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

Not at this time.

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes      No xxx

If so, state the name(s) and address(es) of each lawyer contacted:

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If not, state your reasons: I'm trying to do this myself, but if it does not workout, I will seek an attorney.

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- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes      No xxx

If so, state the lawyer's name and address:

N/A

Signed this 13th day of April, ~~19~~ 2006

Dwight D. Byrd

\_\_\_\_\_  
Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
(Date)

Dwight D. Byrd  
Signature of Movant/Plaintiff

\_\_\_\_\_  
Signature of Attorney  
(if any)

State of West Virginia  
County of Raleigh  
Subscribed and sworn to before  
me this 13 day of April,  
2006. My commission expires

[Signature]  
Notary



REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: APRIL 5, 2006

FROM: ADMINISTRATIVE REMEDY COORDINATOR  
CENTRAL OFFICE

TO : DWIGHT DEVANE BYRD, 17992-057  
BECKLEY FCI UNT: PINE QTR: P08-429U  
P.O. BOX 1280  
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 393861-A1 CENTRAL OFFICE APPEAL  
DATE RECEIVED : MARCH 30, 2006  
SUBJECT 1 : PERSONAL PROPERTY - INCL. CONFISCATION OR DESTRUCTION  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS (BP-10)  
MUST BE RECEIVED WITHIN 20 DAYS OF THE WARDEN/CCM  
RESPONSE OR RECEIPT OF THE DHO REPORT. THIS TIME  
INCLUDES MAIL TIME.

REMARKS : WE CONCUR WITH THE REGIONAL OFFICE'S RATIONALE FOR  
REJECTING YOUR APPEAL FOR BEING UNTIMELY.



REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: FEBRUARY 15, 2006

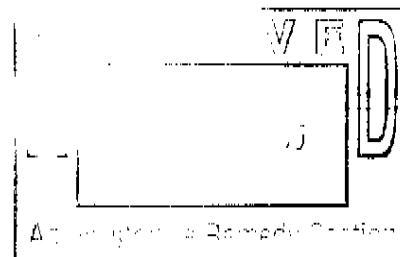
  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
MID-ATLANTIC REGIONAL OFFICE

TO : DWIGHT DEVANE BYRD, 17992-057  
BECKLEY FCI UNT: PINE QTR: P08-429U  
P.O. BOX 1280  
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.


REMEDY ID : 393861-R2 REGIONAL APPEAL  
DATE RECEIVED : FEBRUARY 6, 2006  
SUBJECT 1 : PERSONAL PROPERTY - INCL. CONFISCATION OR DESTRUCTION  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOU SUBMITTED YOUR REQUEST OR APPEAL TO THE  
WRONG LEVEL. YOU SHOULD HAVE FILED AT THE  
INSTITUTION, REGIONAL OFFICE, OR CENTRAL  
OFFICE LEVEL.



REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JANUARY 17, 2006

  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
MID-ATLANTIC REGIONAL OFFICE

TO : DWIGHT DEVANE BYRD, 17992-057  
BECKLEY FCI UNT: PINE QTR: P08-429U  
P.O. BOX 1280  
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 393861-R1 REGIONAL APPEAL  
DATE RECEIVED : JANUARY 13, 2006  
SUBJECT 1 : PERSONAL PROPERTY - INCL. CONFISCATION OR DESTRUCTION  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS (BP-10)  
MUST BE RECEIVED WITHIN 20 DAYS OF THE WARDEN/CCM  
RESPONSE OR RECEIPT OF THE DHO REPORT. THIS TIME  
INCLUDES MAIL TIME.

*I Got this Rejection Notice 01-31-06  
14 days after Dated  
Appeal Included  
02-01-06*

*The envelope is dated Jan. 18, 2006*

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: BYRD, DWIGHT DEYANE 17992-057 PINE-B-HIPPER F.C.I. RECKLEY  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL THE TIME ISSUE COMES BY WAY OF THE WARDENS WAY OF DOING THINGS.  
 (HELD) FELTS SIGNED THE BP-229(13), FOR 16 DAYS AFTER HE SIGNED IT. THEREFORE, I RECEIVED  
 THE FORM ON THE 16 DAY AT 8:03 pm, "CONVENIENT FOR THE INSTITUTIONS" DIVERSION TACTIC.  
 THIS TACTIC MADE IT IMPOSSIBLE FOR ME TO MEET YOUR DEAD-LINE.

BP-229(13) Received 12-29-05 At 8:03 pm

BP-230(13) Received 01-31-06 14 days After the day it was

dated making it impossible to meet your Dead-Line (see the Trend)

I got this Jan. 18, 2006 Mail 01-31-06

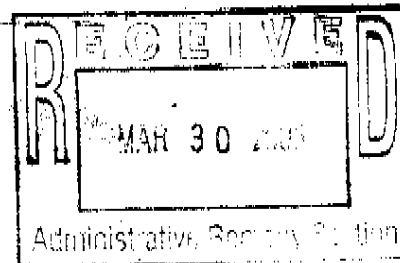
02-01-06

DATE

Dwight D. Byrd

SIGNATURE OF REQUESTER

Part B—RESPONSE



DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: \_\_\_\_\_

Part C—RECEIPT

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

USP LVN

BP-231(13)  
APRIL 1982

DWIGHT DEVANE BYRD, 17992-057  
BECKLEY FCI UNT: PINE QTR: P08-429U  
P.O. BOX 1280  
BEAVER, WV 25813

Received 12-29-05  
8:03 pm  
Consolidated Painter.

**REQUEST FOR ADMINISTRATIVE REMEDY**

**BEC-393861-F1**

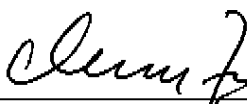
Your Request for Administrative Remedy received November 3, 2005, wherein you allege a Correctional Officer violated your rights on August 24, 2005, has been received. Specifically, you allege the Correctional Officer, following a cell search, intentionally gave some of your property to other inmates and threw some of it away, and that you were never provided a confiscation form. Based on your allegations, you are requesting unspecified compensation and a reprimand of the staff member for actions you allege were committed against you.

A review into your allegations could not be substantiated, as no evidence of a violation of your rights was discovered, nor was any provided by you.

As for your request for compensation, the Administrative Remedy Program does not provide for monetary relief. The proper procedure to seek monetary relief is under the Federal Tort Claims Act. A TORT claim form can be requested by submitting an Inmate Request to Staff Member to the Supervisory Attorney, Beckley Consolidated Legal Center.

Based on the above facts, I can find no basis for further administrative action. Your request for administrative relief is denied. If dissatisfied with this response, you may appeal to the Regional Director, Bureau of Prisons, Mid-Atlantic Region, 10010 Junction Drive, Suite 100-North, Annapolis Junction, Maryland 20701, within twenty (20) calendar days of the date of this response.

12/13/05  
Date

  
\_\_\_\_\_  
Charles T. Felts, Warden

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

**From:** Byrd, Dwight D

17992-0571

Pine B-Upper F.C.I. Beckley, W. Va.

LAST NAME FIRST MIDDLE INITIAL

**REG. NO.**

# THE

**INSTITUTION**

### Part A- INMATE REQUESTS

NOTICE: The Claimant, Dwight D. Byrd, brings this Administrative Remedy Process for the purpose of being a witness and victim of Criminal Activity done by Perry Skaggs, J.B.A., a Correctional Officer for F.C.I. Beckley, in Beason, West Virginia; for his reckless involvement in the theft of personal (private) property, criminal dishonesty, disgraceful conduct, harassment, fraud, deceit, treachery of word, and violating his Oath of office contract/consent agreement, i.e., knowingly, intentionally and deliberately violating the provisions of [Title 18 USC §§ 241, 242, 1001], [5 C.F.R., part 735, subpart (B)], your B.O.P. Program Statement [FS 3420.09], and various Supreme Court decisions. The Claimant believes that the actions and omissions of the above named man, constitute a violation of the peace and dignity of the Claimant; by knowingly committing all said crimes and lying to his fellow officers/employees with the purpose and intent to unlawfully conduct an illegal search and seizure, to steal the Claimant's property, and give everything away without authority to do so, and without giving the Claimant a proper confiscation sheet/invoice for same that of fraud, and criminal activity. ~~It is the Claimant's belief that the above named man is a criminal and~~ it would be unlawful for the Claimant not to report these facts to the proper authorities by way of this actual, constructive and sufficient notice with a Statement of Fact attached hereto, before future litigation, mass class action suite, or claim against the Bond of Perry Skaggs. **NOTICE TO AGENT IS NOTICE TO PRINCIPAL AND VIZ A VIZ: TAKE LAWFUL ADMINISTRATIVE NOTICE.**

October 31, 2025 C.E

DATE \_\_\_\_\_

[W.O.P. DEC 1-20], 1-10 SIGNATURE OF REQUESTER

**Part B- RESPONSE**

RECEIVED  
NOV 03 2005  
BY ~~SEA~~

## DISCUSSION

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 30 calendar days of the date of this response.

**ORIGINAL RETURN TO DONATE**

CASE NUMBER: 373201-1

**CASE NUMBER**

### Part C- RECEIPT

**Return to:**

**LAST NAME FIRST MIDDLE INITIAL**

**REFERENCE**

**TIME**

**INSTITUTION**

## SUBJECTS

**PAF**

RECEIVED SIGNATURE (STAFF MEMBER)

USP LVM

BP-229(13)  
APR 1982



## Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Byrd Dwight D. 17992-057 Pine B-Upper F.C.I. Beckley  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A - REASON FOR APPEAL** The response to my BP-229(13) was received on 12-29-05 at 8:03 pm. by counselor Painter of Pine A-Upper. As to a 3420.09 violation by P. Skaggs.

The wardens response has no merit to the crime committed by Skaggs. It's as if he didn't read the BP-229(13). No one ever said that Skaggs gave my property to another inmate at all. That's not even the issue here. The issue is that Skaggs did willfully and unlawfully take my personal property without my permission and with following protocol as to confiscation of inmate personal property. (3420.09) Here you will find a list of my witness. (Did a blind man / person "so-call" review this case?)

Witnesses : Mitchell, C. #17305-056, Woods, J. #19327-057, Morin, #14563-056, Lattimore #00019-077, Bryant, #08488-030, Mills, #44819-083, Watson, 42561-083, ~~Wright, s.~~ Allison, #15136-058, Wright, s. #19570-053, Vann, 03504-87 Muir, D. #12821-424, Hopkins, T. #04185-084

Jan. 04, 2006

DATE

Dwight D. Byrd  
SIGNATURE OF REQUESTER

**Part B - RESPONSE**

RECEIVED

JAN 13 2006

BUREAU OF PRISONS  
MARO REGIONAL COUNSEL

RECEIVED

FEB - 6 2006

BUREAU OF PRISONS  
MARO REGIONAL COUNSEL

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: \_\_\_\_\_

**Part C - RECEIPT**

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL



**Take Lawful Administrative Notice:**

Constructive statement of fact in the nature of request for Discovery/[Request for Administrative Remedy-Attachment]/ Request for information and agreement to the legality of an unlawful theft of property. **To/Attention:** J. Dincher, D.B.A. a counselor for Pine B-U. Perry Skaggs, D.B.A. a correctional officer for F.C.I. Beckley. Charles T. Felts, D.B.A. Warden for F.C.I. Beckley in Beaver W.Va., and all agents, principals, and representatives in behalf of the B.O.P. I, Dwight D. Byrd, herein after affiant, being first duly sworn according to law, having first

hand knowledge of the facts herein, and being competent to testify, do hereby affirm that the facts herein are true, correct, complete and not misleading. 1) On or about August 24, 2005, the affiant was called to the [Lt's] office at 1:30pm; due to the finding of an object that P. Skaggs found in the affiant's assigned cell. The affiant was questioned about the object (engraver) by [Lt.] Painter who determined it to be an engraver, not a shank. The affiant was then released to go back to his assigned work detail after Painter called P. Skaggs to notify him of his findings. As affiant waited outside VT/Unicor door, at the 2:00pm Rec. move, 4 inmates told him that P. Skaggs had taken 2 large bags of property from his cell. When affiant returned to his cell at re-call, he was meet by Skaggs, who smiled at him and told him that an inmate had told him that affiant had a shank. After Skaggs let affiant into his cell, affiant began to check his locker. Almost right away affiant noticed his radio & headset gone. That alarmed me. As affiant looked further he noticed several more items missing; family photo album, 64 bots. of paint, picture collection photo album, clippers, food, and other odds and ends. As Skaggs finished locking the doors, he was summoned to affiant's cell. Affiant ask Skaggs about his missing items. Skaggs smiled and said "You know that we don't take things like those."

(All of this took place in my cell in front of my celly). I asked Skaggs had anyone else been in the cell, he replied "No, I was the only one in here." Skaggs then stated that the items that he did take, he had put in the back office area, and said he'd go back there to check for me - only to lock the door and walk out the door to go home. Upon being released after the 4pm count, I asked officer Gonzalez to call the Lt. and he did. Lt. Hicky told him to have me see him at mainline. I asked Gonzalez to just look in the back office area to see if he could get a visual on my property. He did so, only to return to say "I didn't see anything back there." When called to Chow 5th, I went to Lt. Hicky and explained my issue. On the way back to the unit, I checked the Gray trash-bins outside the units A & B sides. Nothing!

8-25-05 Skaggs came to my cell, in a loud manner, telling me that inmates told him that I was writing him up as an act of retaliation. He said that I can file if I wanted to, but I wouldn't get any new items. Skaggs said that he'd be doing a memo as to what he had heard. I then told Skaggs that, if he had anything else to say to me, say it with witnesses present. He then slammed my cell-door and walked off.

8-28-05. At 12:57pm, I was told of an inmate selling some paint. When the inmate came in on the 2pm Rec. move I asked him about the paint in question. I explained that I had 64 bots. missing and would like to see the ones he has. He let me see the ones he had. In his cell, it was determined that they were part of the 64 bots. missing. He told me that he and another inmate had found them in the trash-bin outside the Pine unit Friday. (The same bins I checked Wednesday the day in question) I kept the 3 bots. and took my findings to Lt. Kalamian on the 3pm Recal(move). She told me to see Snow (unit mge) the next day - Monday.

8-29-05 At approximately 3:25pm, I spoke with Snow (unit mge). Snow stated that "he know that I had gotten all my property back, because inmates told him so." When I told him that I swore on the Bible that I hadn't, He said "Let me step-back before lighting strikes." At the beginning of the conversation with Snow, he didn't even know what I was talking about, until I filled him in. He said that the only info. he had about the issue was from Lt. Kalamian. He then started attacking me about the fact that I was keeping a ledger of the events as to this case concerning Skaggs. At 5:35pm, in the Chow-hall, I spoke with another inmate that had also found some of the paints in the Gray trash-bins outside Pine unit at the later part of the week. I told Lt. Hicky of the findings as he stood mainline at that time. (A List of witnesses upon request, as to Skaggs taking bags of property from my cell.

10-31-05

Dwight D. Byrd



U.S. Department of Justice  
Federal Bureau of Prisons  
Mid-Atlantic Regional Office  
10010 Junction Drive, Suite 100-N  
Annapolis Junction, MD 20701

Official Business

